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10/527,505	08/18/2005	Evandro Luis Francischetti	60130-2373	9945

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EXAMINER

KOTTER, KIP T

ART UNIT	PAPER NUMBER
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3617

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/527,505	Applicant(s) FRANCISCHETTI ET AL.	
	Examiner Kip Kotter	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first contact surface fixed to the at least one flange by a filling welding as set forth in claims 2, 10 and 11, and the second contact surface fixed to the at least one flange by a filling welding as set forth in claims 10 and 12 must be shown or the feature(s) canceled from the claim(s). Also, the cavity defining an outermost circumferential surface of the substantially circular wheel disc, as set forth in claim 14 must be shown or the feature(s) canceled from the claim(s).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance. **No new matter should be entered.**

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification does not describe the second contact surface being fixed to the at least one flange as set forth in claims 10 and 12. Nor does the specification describe the second contact surface being fixed by a filling welding as disclosed in claims 10 and 12.

No new matter should be entered.

3. The amendment filed 19 June 2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material in the first full paragraph on page 5 which is not supported by the original disclosure is as follows: “As shown in Figure 5, the first contact surface defines an outer circumference of the wheel disc 3”.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Objections

4. Claim 3 is objected to because of the following informality: “cylindral” should be changed to – **cylindrical** –. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 10 and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

On page 6, in the first full paragraph beginning with “As shown in Figures 5 and 8”, the second contact surface is described as touching “at a point substantially located in the intermediate region 7 of the wheel rim 2”. However, newly added claims 10 and 12 describe the second contact surface as fixed to the at least one flange of the wheel rim.

On page 6, the second full paragraph, and on page 7, the first partial paragraph, the second contact surface is described as being fixed to the wheel rim by a fixing welding 40 for all three embodiments. However, newly added claims 10 and 12 describe the use of a filling welding to fix the second contact surface.

This is a **NEW MATTER REJECTION**.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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8. Claims 13 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 13 and 14, there is insufficient antecedent basis for the limitation “the cavity”. It appears that claims 13 and 14 should depend from claim 9.

Regarding claim 13, the phrase “the cavity is annular and faces towards the substantially cylindrical wheel rim” renders the claim indefinite because it is unclear what would constitute the face of the cavity inasmuch as no defining structure for the cavity has been set forth in the claims. It appears that the cavity could face either the wheel rim or the wheel disc depending on how the face of the cavity is defined.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 3-6, 8-9 and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Baumgarten et al. (U.S. Patent No. 6068350).

Baumgarten et al. discloses a wheel comprising: a substantially cylindrical wheel rim including at least one flange **41**, the at least one flange having an end as shown in Fig. 6; and a substantially circular wheel disc including at least one through bore **52**, at least one projection **78** that cooperates with the substantially cylindrical wheel rim in forming a wheel, and a

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substantially annular end region 76 that defines a first contact surface, wherein the first contact surface of the substantially circular wheel disc cooperates with the end of the at least one flange of the substantially cylindrical wheel rim in forming a wheel, and the first contact surface defines an outer circumference of the substantially circular wheel disc as shown in Fig. 6; wherein the radially outward surface of the at least one projection faces an internal surface of the substantially cylindrical wheel rim and defines a second contact surface of the substantially circular wheel disc that cooperates with the substantially cylindrical wheel rim in forming a wheel as shown in Fig. 6 and wherein the at least one projection is annular; the end has a "J" shape as shown in Fig. 6, wherein an annular cavity is defined between the first and second contact surface; and with respect to claims 13 and 14 as can be best understood by examiner, Baumgarten et al. discloses the cavity facing towards the substantially cylindrical wheel rim and defining an outermost circumferential surface of the substantially circular wheel disc inasmuch as Baumgarten et al. shows the same structure as the applicant's claimed invention.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baumgarten et al.

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As mentioned above, Baumgarten et al. discloses the wheel described in claim 1.

Baumgarten et al., however, fails to disclose expressly the use of a filling welding for fixing the first contact surface of the substantially circular wheel disc to the at least one flange of the substantially cylindrical wheel rim.

The embodiment of Fig. 3 teaches the use of adhesive layers or welds for fixing the disc to the rim as described in column 5, lines 1-20.

To employ a filling weld to fix the disc to the rim at the first contact surface for the embodiment of Fig. 8 would have been obvious to one of ordinary skill in the art because a filling weld is one of a number of well-known welds that can be used to secure the disk to the rim.

13. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baumgarten et al. in view of Overbeck et al. (U.S. Patent No. 4610482).

As mentioned above, Baumgarten et al. discloses the wheel described in claim 1.

Baumgarten et al., however, fails to disclose expressly the substantially circular wheel disc including a tear which overlaps a bore of the substantially cylindrical wheel rim.

Overbeck et al. teaches a wheel that includes a tear which overlaps a bore of the substantially cylindrical wheel rim as described in column 3, lines 52-54.

It would have been obvious to one of ordinary skill in the art to have modified Baumgarten et al. by including a tear in the wheel disc which overlaps a bore of the wheel rim, such as taught by Overbeck et al., to provide access to a valve stem.

Response to Arguments

14. Applicant's arguments with respect to claims 1-5 have been fully considered but they are not persuasive.

In response to applicant's argument that Baumgarten et al. does not disclose a wheel including a wheel disc having a projection with a first contact surface that cooperates with a wheel rim, and the first contact surface defines an outer circumference of the wheel disc, it appears applicant intended to argue that the reference does not disclose a wheel including a wheel disc having a projection with a second contact surface (not a first contact surface) that cooperates with a wheel rim as set forth in claim 3 and the first contact surface defines an outer circumference of the wheel disc as set forth in claim 1.

Nevertheless, as discussed above in paragraph 10, Baumgarten et al. discloses a wheel disc with a substantially annular end region **76** that defines *a first contact surface* at the outer circumference of the wheel disc with the end of the at least one flange **41** of the wheel rim as shown in Fig. 6. The at least one projection **78** defines *a second contact surface* with the substantially cylindrical wheel rim as shown in Fig. 6.

15. The applicant has not presented arguments pointing out the specific distinctions believed to render the newly presented claims 6-14 patentable over any applied references.

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Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kip Kotter whose telephone number is (571) 272-7953. The examiner can normally be reached on 9:00-4:00pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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7/3/07